

it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 95, a bill to be entitled, "An Act to prohibit telegraph and telephone companies chartered by law from communicating or transmitting free of charge messages or communications for any person or corporation, or to give and grant any permit or authority therefor, and providing a suitable penalty for the violation of the act and authorizing its collection and the enforcement of this act by the Attorney General, district and county attorneys of the State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 99, a bill to be entitled, "An Act to fix the venue of suits in behalf of the State of Texas upon bonds or other obligations payable to the State or to the Governor of the State, and which are for the use and benefit of the State, and to authorize such suits to be brought in any county in which the defendants or either of them reside, or in the county of Travis,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Tex., Jan. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 112, a bill to be entitled, "An Act to amend Article 2939, Title LIII, of the Revised Civil Statutes of Texas of 1895, pertaining to legal holidays, by adding June the third (3) as a legal holiday,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas, Tuesday, Jan. 24, 1905.

Senate met pursuant to adjournment, President pro tem. Hanger presiding.

Roll call. Quorum present the following senators answering to their names:

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Paulus. Willacy.

Absent—Excused.

Harper. Meachum.
Holland.

Prayer by Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Faulk, the same was dispensed with.

(See Appendix for Standing Committee reports.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Harbison:

Senate bill No. 118, a bill to be entitled "An Act to amend Article 643 of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation."

Read first time and referred to Judiciary Committee No. 1.

By Senator Davidson:

Senate bill No. 119, a bill to be entitled "An Act to amend Articles 2513, 2515, 2518d and 2518e, Chapter 4, Title XLVIII of the Revised Civil Statutes of 1895, Articles 2516 and 2518h, Chapter 175 of the General Laws of 1899, Articles 2514, 2518c and 2518k, Chapter 122 of the General Laws of 1903, and Articles 529g, Chapter 130 of the General Laws of 1901, and adding Article 529x, etc."

Read first time and referred to Judiciary Committee No. 2.

By Senator Glasscock:

Senate bill No. 120, a bill to be en-

titled "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer or train conductor, upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman, or engineer, or if engaged as a conductor on any railroad train in this State he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman or conductor of a freight train. To punish any person who shall knowingly lengage, promote, require, persuade or prevail upon or cause any person to do any act in violation of this act.

Read first time and referred to Judiciary Committee No. 2.

By Senator Griggs:

Senate bill No. 121, a bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State to supervise, lease and rent lands in the lakes, bays and inlets within tide water limits along the Gulf of Mexico; to authorize the expenditure of the funds received from such sources for certain purposes; giving concurrent jurisdiction to peace officers over certain boundaries of water, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Decker:

Senate bill No. 122, a bill to be entitled "An Act to change and prescribe the time for holding District Courts in the Thirty-first Judicial District of this State, to conform all writs and processes from such courts to such changes and to repeal all laws in conflict herewith."

Read first time, and referred to the Committee on Judicial Districts.

By Senator Davidson:

Senate bill No. 123, a bill to be entitled "An Act to amend Article 3582a, Title LXXVa, of the Revised Statutes, as amended April 3, 1897, in regard to the Board of Pardon Advisers."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Martin, Grinnan, Stone and Brachfield:

Senate bill No. 124, a bill to be entitled "An Act to provide for the holding of special terms of the District Court in the several counties of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

MORNING CALL CONCLUDED.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Han-

ger) had read and referred, after their captions had been read, the following House bills:

House bill No. 45, a bill to be entitled "An Act to better define the duties of peace officers and to require them as such to arrest parties who commit a breach of the peace in their presence."

With engrossed riders as follows:

(1) Amend by adding after the word "be," in line 25, the following: "In the manner provided by law."

(2) Amend line 25 by striking out all after the word "filled," and adding "As may be provided by law."

Referred to Judiciary Committee No. 2.

House bill No. 81, a bill to be entitled "An Act to amend Article 883, of Chapter 11, of the Penal Code of the State of Texas, relating to the theft of animals, and providing a penalty therefor," amending the law so as to make the theft of a sheep or goat a felony.

Referred to Judiciary Committee No. 2.

House bill No. 70, a bill to be entitled "An Act to amend Article 799, of the Code of Criminal Procedure of the State of Texas, relating to taking depositions in criminal actions, and to repeal Article 800 of said code."

Referred to Judiciary Committee No. 2.

HOUSE BILL NO. 44—PASSAGE OF.

The Chair laid before the Senate, on its third reading

House bill No. 44, a bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Gray county, and to conform to the jurisdiction of the District Court thereof."

The bill was read third time, and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	

Absent.
 Harbison. Willacy.
 Paulus.
 Absent—Excused.
 Harper. Meachum.
 Holland.

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 43—PASSAGE OF.

The Chair laid before the Senate, regular order, on its second reading,

House bill No. 43, a bill to be entitled, "An Act to diminish the civil and criminal jurisdiction of the county court of Hutchinson county to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith."

On motion of Senator Decker, the committee report was adopted.

Bill read second time, and passed to a third reading.

Senator Decker moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion prevailed by the following vote:

Yeas—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.
 Paulus. Willacy.
 Absent—Excused.
 Harper. Meachum.
 Holland.

The bill was read third time and passed by the following vote:

Yeas—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.

Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Paulus. Willacy.

Absent—Excused.

Harper. Meachum.
 Holland.

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 27—PASSAGE OF.

On motion of Senator Hawkins, the regular order of business was suspended, and the Senate took up, out of its order, Senate bill No. 27.

The Chair laid before the Senate, on its second reading,

Senate bill No. 27, a bill to be entitled, "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted as amended since the 1st day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law."

The Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

Question—To suspend Senate Committee report rule to take up Senate bill No. 27.

Yeas—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Paulus. Willacy.

Absent—Excused.

Harper. Meachum.
Holland.

On motion of Senator Hawkins the Constitutional rule, requiring bills to be read on three several days, was suspended and the bill put on its second reading by the following vote:

Yeas—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Paulus. Willacy.

Absent—Excused.

Harper. Meachum.
Holland.

Bill read second time and ordered engrossed. On motion of Senator Hawkins the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Grinnan. Willacy.
Paulus.

Absent—Excused.

Harper. Meachum.
Holland.

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Grinnan. Willacy.
Paulus.

Absent—Excused.

Harper. Meachum.
Holland.

Senator Hawkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

C. S. B. FOR S. B. NOS. 1, 18 AND 50.

The Chair laid before the Senate Committee Substitute bill for Senate bill Nos. 1, 8 and 50. The committee report was adopted and the bill was laid before the Senate. Following is the caption of the committee bill:

C. S. B. NOS. 1, 8 AND 50.

A bill to be entitled "An Act to prohibit railroad companies or chartered transportation companies or express or sleeping car companies, or receivers thereof, or their officers, agents or servants in this State from carrying persons free of charge, or conveying property free of charge, or giving to any person or persons, a free pass, or authority to travel or pass or have property transported free over any such lines operated by it in this State, or to give any privilege of fare less than it gives or grants to any and all other persons, except its officers and employees, and prohibiting certain persons from accepting and using free transportation and from having property transported for a less rate than charged others, and prescribing penalties for the violation of the provisions hereof, and appropriating such penalties.

On motion of Senator Griggs further consideration of the bill was suspended till tomorrow morning and made special order at the conclusion of the morning call.

C. S. B. NO. 12.

The Chair laid before the Senate Committee Substitute Bill No. 12 and the committee report was adopted.

The Chair then laid before the Senate Committee Substitute Bill, a bill to be entitled "An Act to compel all corporations in this State owning, leasing or operating in cities or towns of over five thousand population, street railways, electric lighting or power plants, furnishing light and power to the public; gas plants furnishing gas to the public, or water plant furnishing water to the public, to file annual reports, and providing penalties for the violations of the provisions of this Act."

Senator Smith offered the following amendment:

Amend line 13, Section 1, by striking out the word "five" and inserting in lieu thereof the word "four."

Senator Martin offered the following amendment to the amendment:

Amend the amendment by inserting the word "two" instead of "four."

The amendment to the amendment was lost, and

The amendment was lost.

Senator Smith moved that the vote by which his amendment was lost be reconsidered. The yeas and nays were called for and the motion was lost by the following vote:

Yeas—8.

Davidson.	Hawkins.
Glasscock.	Looney.
Grinnan.	Martin.
Hale.	Smith.

Nays—17.

Barrett.	Harbison.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	McKamy.
Decker.	Skinner.
Faulk.	Stafford.
Faust.	Stone.
Griggs.	Terrell.
Hanger.	

Absent.

Paulus.	Willacy.
Stokes.	

Absent—Excused.

Harper.	Meachum.
Holland.	

Senator Hale offered the following amendment:

Amend by striking out all after the word "State" in line 13, Section 1, down to and inclusive of the word "population" in line 14.

Senator Smith offered the following amendment to the amendment and Senator Hale accepted the amendment and withdrew his amendment:

Amend the bill by striking out the words in lines 13 and 14, as follows: "of over five thousand population."

The amendment was lost.

The bill was read second time and ordered engrossed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 58, a bill to be entitled "An Act to restore and confer upon the County Court of Trinity county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change, to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

Also,

House bill No. 73, a bill to be entitled "An Act to restore and confer upon the County Court of Franklin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Also,

House bill No. 86, a bill to be entitled "An Act to create a more efficient road system for Cherokee county, Texas."

Also,

House bill No. 1, a bill to be entitled "An Act to authorize the Governor to purchase the land owned by Hugo & Smelzer, which was a part of the Alamo Mission, in the city of San Antonio, Texas, and to make an appropriation therefor; and for the preservation of said property, together with the Alamo church property now owned by the State."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Han-

ger) had read and referred, after their captions had been read, the following House bills:

House bill No. 86, referred to Committee on Roads, Bridges and Ferries.
House bill No. 58, Judicial Districts.
House bill No. 73, Judiciary No. 1.
Substitute House bill No. 1, to Internal Improvements.

SIMPLE RESOLUTIONS.

Senators Faulk and Smith offered the following resolution, which was adopted:

Whereas, At a former day of this session the Senate passed a resolution instructing the public printer to print at once the Senate bills in his hands as they have heretofore been printed, and asking him to report to the Senate the reason of the delay and also requesting the printing board to investigate the matter and take such action as it thought advisable; and,

Whereas, Said board and public printer have complied with said resolution by making written report, which is satisfactory; therefore be it

Resolved, That said reports be accepted as a sufficient explanation and that they be incorporated in the records of the Senate.

Austin, Tex., Jan. 23, 1905.

Clyde Smith, Esq., Secretary of the Senate, Austin, Texas.

Sir: We beg to acknowledge receipt of yours of 21st, with enclosure of resolution from Senate, and in reply beg to invite your attention to the following points:

First—All bills given us on the 16th and 18th were delivered on the 21st, in the old style.

Second—All bills given us on the 20th are now in the Senate Chamber, except the Terrell election bill, which will be delivered by 12 m., and that without working Sunday.

Third—The first bill was given to us on the 16th, and if we are allowed the same time as our predecessor, no bill is due until tomorrow.

Fourth—Bills given to us, prior to the 18th were first set in the new style, on account of the House passing and the Senate committee favoring the change, and all such were delivered on the 19th.

Fifth—Immediately on passage of the Hanger resolution on the 18th we started reprinting said bills in the old style.

We feel confident that the Senate, as soon as they conclude this investigation, will, in justice to us, order ex-

punged from the Journal any reference to delay in printing bills.

Very respectfully,
GAMMEL-STATESMAN PUB. CO.,
HENRY HUTCHINGS,
Superintendent.

Department of State,
State of Texas.

Austin, Jan. 21, 1905.

Clyde D. Smith, Esq., Secretary of the Senate.

Dear Sir: I beg to acknowledge receipt of your letter of this date, accompanied by a resolution of the Senate of Texas respecting non-delivery of printed legislative bills.

Upon receipt of said letter and resolution I directed the secretary of the Board of Public Printing to confer with the contractors for that class of work and ascertain the reason for delay. He was advised by the contractors that the delay had been occasioned by reason of the fact that an attempt had been made by the House to change the form of the bill page, and the work was held up pending the discussion by the two houses, but that as soon as the form had been definitely settled the work had been put in hand and that most, if not all, of the bills would be ready for delivery on Monday, which date is claimed to be within the limit allowed by contract.

If these representations are not in accordance with the facts and the contract has not been complied with, this board stands ready to enforce any penalty which has been incurred.

Very truly yours,

J. R. CURL,

Secretary of State, Ex Officio Chairman
State Board of Public Printing.

SENATE BILL NO. 9—MADE SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

Senate bill No. 9, a bill to be entitled, "An Act to amend Title LXII, Chapters 4 and 5, of the Revised Civil Statutes of the State of Texas, relating to the proceedings of jury commissioners in the selection of jurors; providing for enlarging and extending the duties of the said commissioners; limiting the number of times which any citizen may be compelled to answer summons to a special venire facias; determining the manner in which notice shall be given, etc; also amending Title VIII, Chapter 2, of the Code of Criminal Procedure of the State of Texas, so as to conform to the provisions of this act."

Bill read second time and ordered engrossed.

On motion of Senator Davidson, the vote by which the bill was ordered engrossed was reconsidered and the bill made special order for Thursday morning at the conclusion of morning call.

SENATE BILL NO. 13—PASSAGE OF.

The Chair laid before the Senate regular order on its second reading. Senate bill No. 13, a bill to be entitled "An Act to amend Article 361 of the Revised Statutes of Texas, as adopted in 1895."

Bill read second time and ordered engrossed. On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.

Absent.

Decker.	Terrell.
Paulus.	Willacy.

Absent—Excused.

Harper.	Meachum.
Holland.	

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
Paulus.	

Absent—Excused.

Harper.	Meachum.
Holland.	

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 14—MADE SPECIAL ORDER.

The Chair laid before the Senate, on its second reading, regular order.

Senate bill No. 14, a bill to be entitled "An Act regulating the granting of divorces by dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits and prescribing penalties for violating the provisions thereof, and with an emergency."

On motion of Senator Smith further consideration of the bill was postponed and it was made special order for Monday, January 30, at conclusion of the morning call.

SENATE BILL NO. 24—PASSAGE OF.

The Chair laid before the Senate regular order, on its second reading.

Senate bill No. 24, a bill to be entitled "An Act to prohibit roping contests and to prescribe a penalty for engaging in the same and to declare an emergency."

Bill read second time and ordered engrossed. On motion of Senator Hill, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Nays—1.

Glasscock.

Absent.

Paulus.	Willacy.
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Absent—Excused.

Harper, Meachum.
Holland.

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Paulus, Willacy.

Absent—Excused.

Harper, Meachum.
Holland.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BALLOTING FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11:30 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, he declared nominations for said office to be in order.

Senator McKamy placed in nomination the Hon. C. A. Culberson of Dallas county, to succeed himself. Senator McKamy made a short but happy address in nominating him.

Senator Skinner of Ellis county seconded the nomination, and also made a nice address.

There being no other nominations, the Chair ordered the roll called, the ballot resulting as follows:

C. A. Culberson—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.

Griggs.
Griggs.
Grinnan.
Hale.
Hanger.

Stafford.
Stokes.
Stone.
Terrell.

Absent.

Paulus, Willacy.

Absent—Excused.

Harper, Meachum.
Holland.

The Chair announced that Mr. Culberson had received 26 votes, he receiving all the votes of the present members. There were five absent members. The Chair stated that the Senate would, at 12 o'clock, noon, tomorrow, Wednesday, January 25, 1905, meet the Honorable House of Representatives in joint session to declare the result of the ballot for United States Senator to succeed himself.

EXCUSED.

On motion of Senator Looney, Senator Paulus was excused from attendance upon the Senate for yesterday and today on account of important business.

SUBSTITUTE HOUSE BILL NO. 1—THE ALAMO BILL.

On motion of Senator Davidson, the regular order of business was suspended, and the Senate took up out of its order substitute House bill No. 1.

The Chair laid before the Senate substitute House bill No. 1, and

Senator Davidson moved that the Senate rule requiring committee reports lay over for one day be suspended, for the purpose of considering this bill. The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker, Willacy.

Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The committee report was then, on motion of Senator Davidson, adopted. (See Appendix for the committee report and caption of the bill.)

Senator Davidson then moved that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its second reading. The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The Chair then laid before the Senate on its second reading

Substitute House bill No. 1. (The Alamo bill. See first House message for the caption.)

Bill read second time and passed to a third reading.

On motion of Senator Davidson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Decker.	Willacy.
Stafford.	

Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

S. B. NO 25—PASSAGE OF.

The Chair laid before the Senate, on its second reading,

Senate bill No. 25, a bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Civil Statutes of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth Legislature, Regular Session, relating to the employment of stenographers by Courts of Civil Appeals."

Senator Hill offered the following amendment:

Amend Section 2. The fact that the Legislature at this session must make an appropriation to pay the salaries of the stenographers of the Court of Civil Appeals for the next two fiscal years creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the said rule is so suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

And amend caption to correspond.
The amendment was adopted.
Bill read second time and ordered engrossed.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	
Hawkins.	

Absent.

Decker.	Willacy.
Glasscock.	

Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 58—PASSAGE OF.

On motion of Senator Stokes, the regular order of business was sus-

pended, and the Senate took up, out of its order, House bill No. 58.

Senator Stokes moved to suspend the Senate rule requiring committee reports to lay over for one day. The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

Senator Stokes moved that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its second reading.

The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The Chair laid before the Senate on its second reading

House bill No. 58 (see Committee report in appendix for the caption of the bill).

The bill was read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The bill was read third time, and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 31.

The Chair laid before the Senate, on its second reading

Senate bill No. 31, a bill to be entitled "An Act authorizing the appointment of temporary guardians of

minors and their estates, regulating their duties and requirements and the practice in relation thereto."

Bill read second time and ordered engrossed.

SENATE BILL NO. 33—TO ENGROSSMENT.

The Chair laid before the Senate, on its second reading

Senate bill No. 33, a bill to be entitled "An Act to amend Article 2956, of Chapter 1, Title LV, Revised Civil Statutes of the State of Texas, providing that all persons desirous of marrying in this State shall procure license authorizing its celebration and declaring all marriages contracted, entered into or celebrated in any other manner null and void."

Bill read second time and was ordered engrossed.

SENATE BILL NO. 35—PASSAGE OF.

The Chair laid before the Senate, on its second reading

Senate bill No. 35, a bill to be entitled "An Act to amend Article 917, of Title X, of the Code of Criminal Procedure of the State of Texas."

Bill read second time and ordered engrossed.

On motion of Senator Hicks the constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	

Absent.

Decker.	Willacy.
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Absent—Excused.

Harper.	Meachum.
Holland.	Paulus.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Glasscock moved Senate bill No. 78 be made special order for next Tuesday morning and then continue from day to day until the bill is passed on.

The motion was lost.

SIMPLE RESOLUTION.

Senator Stafford offered the following resolution:

Whereas, We have just learned with pleasure that a bouncing baby boy has visited the home of Lieutenant Governor George D. Neal; therefore be it

Resolved, That we extend our hearty congratulations and best wishes to the family, including the boy, and wish for them long life, happiness and prosperity.

HANGER.
SKINNER.
HALE.
HILL.
BEATY.
CHAMBERS.
FAUST.
HARBISON.
BARRETT.
HAWKINS.
DAVIDSON.
LOONEY.
TERRELL.
SMITH.
FAULK.
STAFFORD.
M'KAMY.
HICKS.
GRINNAN.
BRACHFIELD.
MARTIN.
STOKES.
STONE.

The resolution was adopted.

ADJOURNMENT.

On motion of Senator Hicks, the Senate adjourned until tomorrow at 10 o'clock a. m.

APPENDIX.

(Committee Reports.)

Committee Room,

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 58, a bill to be entitled, "An Act to restore and confer upon the county court of Trinity county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts in conflict with this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

HICKS, Chairman.

Committee Room,

Austin, Tex., Jan. 23, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 79, a bill to be entitled, "An Act to amend Article 2284, Title XL, Chapter 2, of the Revised Statutes of Texas of 1895, relating to the manner of taking and returning of depositions of witnesses in civil cases," and

Senate bill No. 5, a bill to be entitled, "An Act to amend the laws of the State of Texas relating to the taking of depositions, and to add Article 2274a to the Revised Statutes of the State of Texas now in force."

Have had the same under consideration, and I am instructed to report them back to the Senate with the recommendation that they do not pass, but that the accompanying committee substitute bill do pass.

HICKS, Chairman.

C. S. B.

By Committee:

A bill to be entitled "An Act to amend Title XL, Chapter 2, Revised Civil Statutes of the State of Texas of 1895 by adding Article 2274a, and

amending Articles 2282 and 2284 of said title and chapter, relating to notice and the manner of taking depositions in civil cases.

Be it enacted by the Legislature of the State of Texas:

That Title XL, Chapter 2 of the Revised Civil Statutes of the State of Texas of 1895, be amended by adding thereto Article 2274a; and that Articles 2282 and 2284, Title XL, Chapter 2 of the Revised Civil Statutes of the State of Texas of 1895 relating to notice for and the manner of taking depositions be amended so that the same shall hereafter read as follows:

Article 2274a. The parties to any civil cause in this state desiring to take the deposition of any witness in said cause in answer to oral questions to be propounded to such witness, may file with the clerk of the court or justice of the peace where the cause is pending, their agreement and application in writing to that effect and asking for a commission to take the deposition in answer to oral questions to be propounded to the witness, giving the name of the witness and his residence or where he may be found. When such agreement and application shall be filed in any civil cause pending in any trial court of this state it shall be the duty of the clerk of such court, or justice of the peace, as the case may be, to issue a commission directed to the judge or clerk of any court of record, notary public or justice of the peace, commanding him to subpoena such witness to appear before such officer at a time and place to be named therein, which process shall be directed to any sheriff or constable of the county and state where said witness resides, and shall be executed and returned like subpoenas in civil cases in the State. At least five days written notice of the time and place when and where the deposition of the witness is to be taken shall be given to both parties to such suit, or their attorneys; and the parties to such suit or their agents, or attorneys may be present when the witness is examined.

When the witness appears before the officer to whom the commission is directed and the parties to the suit or their agents or attorneys are present, the party desiring the testimony of the witness shall proceed to examine such witness by propounding oral questions to him in respect to the issues in said cause, after which such witness may be cross-examined by the adverse party orally, and then re-examined and re-cross-examined and as far as practicable in the same manner and subject to the same rules of practice and evidence as if said evidence would be adduced in open court on the trial of said cause. The questions propounded to and the answers of, such

witness shall be reduced to writing and read over to him as the same are severally taken, and when said examination is completed the witness shall sign the same; provided, that by agreement of the parties to such suit the answers of the witness may be taken in narrative form, omitting the questions propounded. In taking such deposition the officer before whom the same is taken may employ a skillful stenographer or typewriter to take down and reduce to type or writing the answers of the witness, the expense thus incurred to be taxed as other costs in said cause.

When the answers of the witness have been reduced to writing, the officer executing the commission shall certify over his signature and seal of office that the same were made and reduced to writing and sworn to and subscribed before him in the presence of, and after due examination by, the parties to said suit, or their attorneys; and such officer shall then seal them up in an envelope, together with the commission and questions asked (unless by agreement such answers are in narrative form) and shall write his name across the seal and indorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court or justice of the peace from which, or by whom, the commission was issued, and return the same as provided in Article 2286.

Article 2282. Upon receipt of such commission by any officer to whom it is directed, he shall give at least five days notice in writing to the party at whose instance said deposition is taken, or his attorney of record, and also the adverse party or his attorney of record, of the time and place when and where said deposition will be taken; and if the witness and officer executing the commission resides in this State and such witness does not voluntarily appear before the officer at the time and place fixed by him, he shall issue a subpoena, directed to the sheriff or any constable of his county, requiring him to summon the witness to appear and answer the interrogatories and cross-interrogatories, if any, of a subsequent time and place to be named in such subpoena.

Article 2284. Upon the appearance of the witness, the officer to whom the commission is directed shall execute such commission by propounding to the witness the interrogatories accompanying the commission in their numerical order, beginning with the first direct interrogatory and continuing until all the direct and cross-interrogatories have been propounded and answered; and the answer of the wit-

ness to each interrogatory and cross-interrogatory shall be reduced to writing and then read over to the witness at the time it is made and before the next succeeding interrogatory or cross-interrogatory shall be propounded to him; and the witness shall not be advised of the contents of said interrogatories or cross-interrogatories, until the same are severally propounded to him by the officer executing the commission. When the answers of the witness have been so made and reduced to writing in this due order, they shall be signed and sworn to by the witness; and the officer before whom they are taken shall certify over his signature and seal of his office that such answers were made, reduced to writing and read over to the witness in the due order of such interrogatories and cross-interrogatories, and were then signed and sworn to by the witness before him; and such officer shall then seal them up in an envelope, together with the commission and interrogatories and the cross-interrogatories, if any, and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the clerk of the court, or justice of the peace from which, or by whom the commission was issued. Provided, that it shall not be lawful for any person or party, at whose instance interrogatories are propounded to any witness, nor the attorneys of such person or party, to be present at the time the deposition of the witness is taken in answer to such interrogatories, unless the adverse party or his attorney of record shall also be present when such deposition is taken or shall have received at least five days' notice that the person or party at whose instance the deposition is taken, or his attorney of record, intends to be present when such deposition is taken; and provided further, that it shall not be lawful for the witness, while answering such interrogatories and cross-interrogatories, to use or refer to any memoranda or writing except such as under the rules of evidence, he would be permitted to use and refer to, if testifying as witness in open court; and any memoranda or writing so used or referred to by such witness, or a certified copy thereof properly marked for identification by the officer taking such deposition, shall be attached to and returned with, said answers; and provided further, that if at any time after said deposition has been filed, it shall be made to appear that any of the provisions of this article have been violated, such deposition shall be sup-

pressed at the cost of the party guilty of such violation, and such suppression shall not constitute legal grounds for a continuance by the party in whose behalf such violation was committed, and the same shall be returned as provided in Article 2286.

Committee Room,

Austin, Tex., Jan. 23, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 91, a bill to be entitled "An Act to amend Article 642, Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature by adding thereto Subdivision 62, authorizing the formation of corporations for the growing, preparing for market, and selling of rice, and Subdivision 63, authorizing the formation of corporations for the purpose of growing and selling sugar cane, and making and refining sugar, molasses and all by-products of sugar cane, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 105, a bill to be entitled "An Act to provide that no member or officer of any corporations with forfeited charters and permits shall continue to do business under their old corporate names, nor to use the same or like signs or advertisements which were used by such corporations before such forfeitures; making the failure to comply with this Act a misdemeanor, and prescribing a punishment therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 107, a bill to be entitled "An Act to provide that all officers and members of any corporations,

the charters and permits of which have been or may hereafter be forfeited, shall forthwith, on such forfeiture, surrender and send in to the Secretary of State, their said charters and permits; and also to provide a punishment for the failure to comply with this Act within ten days after such forfeiture."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.
Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred

Substitute House bill No. 1, a bill to be entitled "An Act to provide for the purchase and conveyance to the State of Texas of the land in the city of San Antonio known as the Hugo Schmeltzer & Co. property, which was a part of the Alamo mission, and for the care and preservation of said property, and of the Alamo church property now owned by the State; and appropriating the sum of sixty-five thousand dollars to carry out the provisions of this Act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the bill be not printed.

McKAMY, Chairman.
Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 27, a bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time required by law,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

McKAMY, Chairman.

(MAJORITY REPORT.)

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Constitu-

tional Amendments, to whom was referred

Senate bill No. 32, a bill to be entitled "A Joint Resolution amending Article 16, Section 44, of the Constitution of the State of Texas, authorizing either the appointment or election of County Treasurers and County Surveyors,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

(MINORITY REPORT.)

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: A minority of your Committee on Constitutional Amendments, to whom was referred

Senate bill No. 32, a bill to be entitled "A Joint Resolution amending Article 16, Section 44, of the Constitution of the State of Texas, authorizing either the appointment or election of County Treasurer and County Surveyors,"

Do not concur with the majority, and files this, a minority report, and recommend that it do not pass.

CHAMBERS.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, Jan. 25, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.

Absent—Excused.

Holland.

Meachum.